

**REMARKS**

Claims 11-15 and 29-38 are pending in this application, of which claims 11-13 have been amended. Claims 25-28 have been canceled. No new claims have been added.

Renumbered claims 25-38 stand rejected under 35 USC§102(e) as anticipated by U.S. Patent 6,269,065 to Ogura et al. (hereinafter "**Ogura et al.**").

Applicant respectfully traverses this rejection.

**Ogura et al.** discloses a recording medium having a recording layer provided with a double-layered structure having at least a first layer L1 and a second layer L2. An audio data program is recorded on the first layer in the first data format, which is the conventional format, and the audio data program is recorded on the second layer in a second, new data format. The audio data programs recorded on the first layer and on the second layer are the same program and can be produced using 1-bit .DELTA..SIGMA. modulation having a high sampling rate as the new format, the .DELTA..SIGMA. modulated signal being passed through successive decimation filters to form the lower sampling rate signal of the conventional format.

The Examiner has urged that Figs. 2-3D show the limitations of claim 20 (renumbered as "claim 29"), claim 24 (renumbered as "claim 33") and claim 28 (renumbered as "claim 37") but these drawings show no more than in what part of the frequency spectrum information is eliminated by second decimation filter 13.

There is no disclosure of the limitations of renumbered claims 29, 33 and 37, namely:

1...the first data are recorded as data having a predetermined number of bits after having been re-quantized, and the relevant data include differential data

pertaining to a difference between the first data and at least a portion of the data on the basis of which the first data have been re-quantized into a predetermined number of bits.;

2...first data are recorded on one of the signal recording layers, and data relevant to the first data are recorded on the other signal recording layer at a recording density higher than that at which the first data are recorded; and

the relevant data comprise data whose frequency components are higher frequency than the frequency components of the first data.; or

3...first data are recorded on one of the signal recording layers, and data relevant to the first data are recorded on the other signal recording layer at a recording density higher than that at which the first data are recorded;

the relevant data are higher in quality than the first data and can be played back solely; and

the relevant data are sampled at a cycle shorter than that at which the first data have been sampled..

Thus, the 35 USC §102(e) rejection of renumbered claims 29-38 should be withdrawn.

Renumbered claims 25-38 stand rejected under 35 USC§102(b) as anticipated by WO 9630906 to Shikunami et al. (hereinafter “**Shikunami et al.**”).

Applicant respectfully traverses this rejection.

**Shikunami et al.** discloses an information recording medium provided with a first signal recording area (A) in which first data are recorded, and second signal recording area (B) which is

U.S. Patent Application Serial No. 09/446,981

provided outside the area (A) and in which second data including the same information as that of the first data are recorded at a density higher than the recording density of the first data. The recording density of the second data can be two to ten times as high as that of the first data. The sampling rate, the number of quantizing bits, and the number of picture elements of the second data may be larger than those of the first data. In addition, the first data may be recorded at a fixed transfer rate and the second data may be recorded at a variable transfer rate. The first data may be music signals in an audible range, and the second data may be music signals in an ultrasonic range outside the audible range.

Like Ogura et al. discussed above, Shikunami et al. fails to discuss the limitations recited in renumbered claims 29, 33 and 37, as noted above.

Thus, the 35 USC §103(a) rejection of renumbered claims 29-38 should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 29-38, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 09/446,981

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



William L. Brooks  
Attorney for Applicant  
Reg. No. 34,129

WLB/mla  
Atty. Docket No. **991504**  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

H:\HOME\letitia\WLB\99\991504\response